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Attorneys for Defendants THE MOST WORSHIPFUL
GRAND LODGE OF THE FREE AND ACCEPTED
MASONS OF THE STATE OF CALIFORNIA;
LIBERTY LODGE #299 FREE AND ACCEPTED
MASONS; and SAN JOSE SCOTTISH RITES BODIES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEAL G. BENSON,

Plaintiff,

v.

SANTA CLARA MASONIC LODGE #299,
SANTA CLARA POLICE DEPARTMENT
AND CITY OF SANTA CLARA, CA.
MASONIC GRAND LODGE SAN
FRANCISCO, CA. SCOTTISH RITE
BODIES OF SAN JOSE, CA.

Defendants.

CASE NO. C07 03476 HRL

NOTICE OF MOTION AND MOTION TO
DISMISS OR, IN THE ALTERNATIVE,
FOR MORE DEFINITE STATEMENT OF
DEFENDANTS THE MOST WORSHIPFUL
GRAND LODGE OF THE FREE AND
ACCEPTED MASONS OF THE STATE OF
CALIFORNIA; LIBERTY LODGE #299
FREE AND ACCEPTED MASONS; AND
SAN JOSE SCOTTISH RITES BODIES

Date: September 4, 2007
Time: 10:00 a.m.
Dept: 2
Judge: Howard R. Lloyd

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

NOTICE IS HEREBY GIVEN that on September 4, 2007, at 10:00 a.m., or as soon
thereafter as the matter may be heard before the Honorable Howard R. Lloyd in Department 2
of the above-entitled Court located at 280 South First Street, San Jose, California, defendants
The Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of California
("Grand Lodge"); Liberty Lodge #299 Free and Accepted Masons ("Liberty Lodge"); and San Jose
Scottish Rites Bodies ("Scottish Rites") ("collectively defendants") will move the Court for the
following orders:

1 **A. MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6):**

2 Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("FRCP"), for an order
3 dismissing the complaint on the ground that it fails to state a claim upon which relief may be
4 granted pursuant to the doctrine of *res judicata* and the Honorable Ronald M. Whyte's dismissal
5 of the plaintiff's prior complaint in Neal G. Benson v. Santa Clara Masonic Lodge #299, et al.,
6 Northern District Court Case No. 5:03-cv-00119-RMW; and

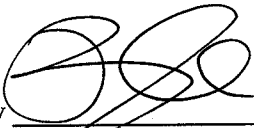
7 **B. MOTION FOR MORE DEFINITE STATEMENT PURSUANT TO FRCP 12(e):**

8 In the alternative, for an order pursuant to FRCP 12(e) compelling the plaintiff to file a
9 short and plain statement of the claim entitling him to relief which complies with FRCP 8 and
10 which fairly appraises defendants of the claims against which they must defend.

11 These motions will be based upon this notice; the memorandum of points and authorities
12 and request for judicial notice served and filed herewith; and on such other oral and documentary
13 evidence as may be presented at the time of hearing.

14 DATED: July 30, 2007

15 LEWIS BRISBOIS BISGAARD & SMITH LLP

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17 By _____
18 Peggy S. Doyle
19 Attorneys for Defendants
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